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**uniteL**

December 20, 1991

Ms. Dona Searcy  
Secretary, FCC  
1919 M Street N.W.  
Washington, D.C  
USA  
20554

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COMMUNICATIONS

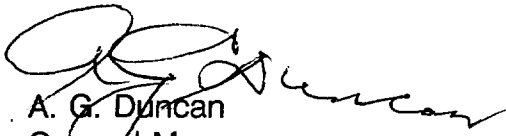
Dear Ms. Searcy:

**RE:     DA 91-1307, NARUC PETITION FOR AN NOI REGARDING THE  
          ADMINISTRATION OF THE NORTH AMERICAN NUMBERING PLAN**

Pursuant to the FCC's Public Notice, dated October 18, 1991 regarding the above captioned topic, Unitel Communications Inc. endorses NARUC's petition for a Notice of Inquiry concerning the administration of the North American Numbering Plan (NANP).

Unitel's interest in this proceeding arises from its role as Canada's only national terrestrial carrier. Unresolved numbering issues currently before the NANP Administrator have a direct impact on the introduction of competitively and monopoly supplied services, not only within Canada but also between Canada and the United States.

Yours truly,

  
A. G. Duncan  
General Manager  
Regulatory Matters

AGD:maj

cc: Ms. Mary Green -- Common Carrier Bureau, FCC  
Downtown Copy Center

In the Matter of )  
 )  
Administration of the ) DA 91-1307  
North American )  
Numbering Plan )

U S WEST Communications, Inc. ("U S WEST"),<sup>1</sup> through counsel and in response to the Federal Communications Commission's ("Commission" or "FCC") Public Notice,<sup>2</sup> hereby files its Comments on the National Association of Regulatory Utility Commissioners' ("NARUC") petition<sup>3</sup> which requests that the Commission institute a Notice of Inquiry ("NOI") on numerous issues associated with administration of the North American Numbering Plan ("NANP").

In its petition, NARUC raises many general issues associated with numbering (i.e., addressing) and the administration of the NANP. At divestiture, the Court assigned responsibility for administering the NANP to Bell Communications Research ("Bellcore"). Bellcore currently performs its function

<sup>26</sup> FCC Rcd. 6070 (1991).

<sup>3</sup>Petition for Notice of Inquiry Addressing Administration of the North American Numbering Plan, filed Sept. 26, 1991.

as NANP administrator through a dedicated staff and in conjunction with numerous industry committees/forums. These forums are open to all industry participants and regulators, not just local exchange carriers ("LEC") and interexchange carriers ("IXC"). U S WEST is an active participant in these industry forums.

U S WEST agrees with NARUC's assertion that numbering assignment issues are of critical importance to the telecommunications industry.<sup>4</sup> However, U S WEST does not agree with NARUC's implication that critical numbering issues are either not being addressed or being addressed in a haphazard fashion. In fact, U S WEST believes that existing processes are successfully resolving and will continue to resolve most of the very "thorny" numbering issues which face the industry.<sup>5</sup> U S WEST does not believe that an NOI on numbering is either necessary or the appropriate vehicle for addressing complex numbering issues. Therefore, the Commission should deny NARUC's petition.

II. AN NOI IS NEITHER NECESSARY NOR THE APPROPRIATE VEHICLE FOR DEALING WITH COMPLEX NUMBERING ISSUES

Industry and standards bodies have addressed or are

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<sup>4</sup>NARUC Petition at 3.

<sup>5</sup>The Commission has been closely monitoring the work of many of these industry numbering efforts. See letter of W.M. Blalock, AVP Service Assurance, Bellcore, Oct. 1, 1991. See also Oct. 4, 1991 Request for Information, Richard M. Firestone, Chief, Common Carrier Bureau, and Nov. 1, 1991 response from Laura Ford, U S WEST Associate General Counsel.

currently addressing many of the numbering issues which NARUC raised in its petition including, among others: interchangeable central office ("CO") codes,<sup>6</sup> interchangeable numbering plan area ("NPA") codes,<sup>7</sup> Carrier Identification Code ("CIC") exhaustion<sup>8</sup>

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<sup>6</sup>In 1971, a process known as Interchangeable CO Codes was introduced to respond to the pending exhaustion of the supply of CO codes in certain area codes. Interchangeable CO codes permit the use of CO codes of the form NXX within certain area codes -- expanding the supply of available CO codes in those area codes from 640 to 792. In 1990, U S WEST implemented interchangeable CO codes in Arizona's 602 area code, and will complete the implementation of interchangeable CO codes in the State of Washington's 206 area code in early 1992.

Since both area codes and CO codes may be of the form NOX or N1X, a new means of distinguishing between an area code and a CO code is needed in the area codes where interchangeable CO codes have been introduced. This is accomplished by requiring area codes to always be preceded by the digits '0' or '1,' and prohibiting the use of the prefix '0' or '1' with a CO code. Thus, if a customer dials 1-202, one can be certain the customer has dialed an area code, and an additional seven digits will be dialed. If 202 is dialed without the preceding 0 or 1, one can assume the customer intends only to dial a seven-digit telephone number.

<sup>7</sup>While the introduction of interchangeable CO codes can prolong the life of a given area code (*i.e.*, NPA), the continual demand for additional numbering resources, particularly in rapidly growing urban areas, can result in requirements for more than the available 792 CO codes. In these instances, an additional area code can be assigned. Unfortunately, the remaining supply of 152 area codes is expected to exhaust in the 1995 time frame.

In 1995, the industry is scheduled to expand the supply of area codes beyond the current limit of 152 codes by introducing interchangeable area codes -- generally referred to as interchangeable NPAs or INPA. INPA will increase the supply of area codes from 152 to 792, an increase of over 500%, by permitting the use of three-digit codes with the digits '2' through '9' in the middle digit.

<sup>8</sup>CICs are codes used in association with Feature Group B ("FGB") and Feature Group D ("FGD") service, and are used as a part of a Carrier Access Code ("CAC"), which may be dialed by an  
(continued...)

and personal communications services ("PCS") numbering.<sup>9</sup>

As a result, U S WEST does not believe that an NOI on numbering would serve a worthwhile purpose. It is unlikely that

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<sup>8</sup>(...continued)

end user as part of the origination of a call. CICs are also used to identify a Presubscribed Interexchange Carrier ("PIC") associated with an end user who is presubscribed to a particular FGD customer.

When used in conjunction with FGB service, customers dial a CAC of the form 950-0XXX or 950-1XXX -- where XXX is CIC assigned to the FGB service. When used in conjunction with FGD service, end users dial the FGD CAC of 10XXX, where XXX is the CIC assigned to a particular FGD customer.

There is currently a single pool of three-digit CICs which is used for both FGB and FGD assignments. This three-digit pool is nearing exhaustion, primarily due to the demands for CICs by FGB customers. In response to this exhaustion, the industry has agreed to proceed with the expansion of FGB CICs to a four-digit format -- although the date for this expansion is uncertain. On November 1, 1991, several LECs, including U S WEST, provided the FCC with their FGB expansion plans -- and the actual completion of the conversions varies from the fourth quarter of 1992 through the second quarter of 1993.

The supply of three-digit FGD CICs is expected to exhaust in the 1994 to 1995 time frame. At that time, the supply of CICs will be expanded by conversion to four-digit FGD CICs.

<sup>9</sup>International standards for PCS numbering are currently under development through the Consultative Committee on International Telegraph and Telephone ("CCITT") standards process. The United States contribution to these standards is being coordinated through the United States CCITT Study Group A on Numbering Plans for Universal Personal Communications.

On October 25, 1991, the Commission released a Policy Statement and Order, which provided preliminary guidance for the development of PCS in the United States, and solicited additional views on a wide range of issues, including "the need for a new numbering plan[.]" Amendment of the Commission's Rules to Establish New Personal Communications Services, GD No. 90-314, Policy Statement and Order, FCC No. 91-338, rel. Oct. 25, 1991, at ¶ 8(4). The Commission held an En Banc hearing on December 5, 1991, to assist in gathering additional information on PCS numbering.

a notice and comment proceeding would elicit any more information than is already available in existing industry forums. These industry and standards bodies are open to all interested parties and allow for a free exchange of ideas and concerns in a less adversarial environment than commonly exists in a typical Commission proceeding. Parties do not have an incentive to assume adversarial positions at the outset and can easily modify their positions in response to information provided by other participants. U S WEST also believes that the use of industry forums is a much more efficient means of reaching industry consensus on most numbering issues. As such, no additional Commission action is necessary at the present time. Ongoing Commission inquiries, industry forums and NANP procedures are sufficient to address existing numbering issues.

The Commission should not employ a notice and comment proceeding, even if it determines that its direct involvement is required for public interest reasons. If the Commission concludes that formal numbering rules are necessary, it should either use negotiated rulemaking ("NRM") procedures or establish an advisory committee to address numbering issues.<sup>10</sup> The

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<sup>10</sup>The Federal Advisory Committee Act (5 U.S.C.A. App. § 8 (1990)) and Commission rules allow for the creation of an advisory committee if it is essential to the conduct of the Commission's business. The Commission has established an advisory committee on Advanced Television Service to assist the Commission in addressing this complex issue. The Commission may find that an advisory committee is also warranted for numbering issues.

Commission recently modified its rules<sup>11</sup> to encourage the use of alternative dispute resolution ("ADR") procedures, including the use of NRM.<sup>12</sup> U S WEST believes that the use of NRM or the creation of an FCC Advisory Committee would be a much more effective means of developing workable numbering rules, if the Commission finds that such rules are necessary.

III.        THE ONLY NUMBERING ISSUE WHICH MAY REQUIRE COMMISSION ACTION IN THE FORESEEABLE FUTURE IS THAT OF COST RECOVERY

One issue that U S WEST does not believe is an appropriate subject for discussion in industry numbering forums is that of LEC-specific costing and pricing. LECs will incur significant costs in the implementation of interchangeable NPAs and four-digit CICs for FGD. LECs will have to upgrade generic

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<sup>11</sup>See Use of Alternative Dispute Resolution Procedures in Commission Proceedings and Proceedings in which the Commission is a Party, ADR Initial Policy Statement and Order, 6 FCC Rcd. 5669, 5672 App. A (1991) (adding Section 1.18 to 47 C.F.R. Part 1).

<sup>12</sup>In a NRM, "at least one FCC representative would participate as a full member of the negotiating committee but would not control the procedures or the result of the negotiations. The FCC participant would be authorized to represent the Commission and would advise the group if any particular option being discussed is believed to be unacceptable. Impartial mediators would chair the negotiations, assist the parties in conducting discussions and negotiations and maintain all records required under section 10(b) and (c) of the Federal Advisory Committee Act (FACA). 5 U.S.C. § 586. Even though the Commission is not required to accept the committee's consensus position, and final implementation of any rule is accomplished through established Rule Making procedures, a premise of the negotiated Rule Making process is that the agency will make a good faith effort to use the consensus rule as the basis for the proposed rule published in the Federal Register S. Rep. No. 97, 101st Cong., 1st Sess. 19 (1989)." ADR Notice of Inquiry, 6 FCC Rcd. 2267 ¶ 6 (1991).

software in all access tandems and equal access end offices in order to implement these numbering changes. While no precise cost estimates are available,<sup>13</sup> it is currently estimated that LEC costs will exceed \$1 billion. U S WEST does not consider these costs to be general network upgrades but more akin to equal access costs. As such, U S WEST believes that these costs should be treated as exogenous costs under the Commission's price cap plan.<sup>14</sup> If the Commission determines that these additional numbering costs are properly treated as exogenous costs under its current price cap rules, no further Commission action is necessary. However, if the Commission makes a contrary finding, U S WEST believes that it would then be appropriate for the Commission to institute a proceeding addressing the issue of

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<sup>13</sup>Equipment vendors have not yet provided firm price estimates for some of these upgrades.

<sup>14</sup>In its price cap order, the Commission required that equal access costs be treated as endogenous costs. Policy and Rules Concerning Rates for Dominant Carriers, 5 FCC Rcd. 6786, 6808 ¶ 180 (1990) ("LEC Price Cap Order"), modified on recon., 6 FCC Rcd. 2637 (1991) ("Price Cap Recon. Order"), Erratum, DA 91-539, rel. Apr. 26, 1991, Erratum, DA 91-544, rel. Apr. 30, 1991, appeal pending sub nom. D.C. PSC v. FCC, No. 91-1279 (D.C. Cir. Pet. for Rev. filed June 14, 1991). The Commission found little need to treat equal access costs as exogenous since the largest LECs had largely completed equal access conversions. The Commission recognized that small LECs that had not completed their equal access conversions could be unfairly penalized by treating equal access costs as endogenous under price cap regulation. LEC Price Cap Order, 5 FCC Rcd. at 6808 ¶ 181. But, the Commission stressed that smaller carriers could decline to participate in price caps if this created a problem. Id. See also Price Cap Recon. Order, 6 FCC Rcd. at 2665-68 ¶¶ 64-67. U S WEST believes that all industry participants will incur significant costs in implementing four-digit CICs and INPAs. As more detailed cost information becomes available, the Commission should reexamine its treatment of these costs under price cap regulation.

costs associated with numbering plan implementation and cost recovery methods. No such proceeding should begin until more precise information is available from switching vendors.

IV. CONCLUSION

For the foregoing reasons, the Commission should deny NARUC's petition which requests that the Commission issue an NOI on issues associated with the North American Numbering Plan.

Respectfully submitted,

U S WEST Communications, Inc.

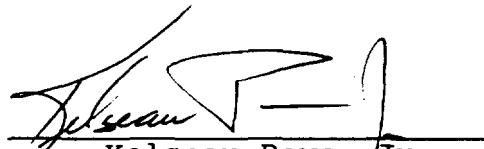
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Its Attorneys

December 20, 1991

CERTIFICATE OF SERVICE

I, Kelseau Powe, Jr., do hereby certify on this 20th day of December, 1991, that I have caused a copy of the foregoing **COMMENTS** to be hand delivered to the persons named on the attached service list.

  
Kelseau Powe, Jr.

\* via 1st Class Mail

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